

Image



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of:)
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Michael RUEPP) Group Art Unit: 1651
)
Application Number: 10/023,753) Examiner Jean C. WITZ
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Filed: December 21, 2001) Confirmation No. 3058
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For: PUTAMEN OVI)
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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the requirement for restriction issued October 3, 2003, Applicant elects claims of Group I (claims 1, 6-9, 11-13, 16-17 and 25-26) with traverse. The traverse is based on substantial overlap in subject matter between elected claims 7, 12, 13 and 17 which all encompass immunostimulation by activation of hematopoiesis, and non-elected claims 19-22 which also are directed to stimulation of hematopoieses, particularly when suppressed by cytotoxic or cytostatic effects of chemotherapy or radiation therapy. (See especially elected claim 17, drawn to "a method for cellular immunostimulation following immunosuppression after radiation or chemotherapeutic treatments," in comparison with non-elected claims 21-22, drawn to "a method for increasing tolerance for chemotherapy, cytostatic and radiologic therapies.") In view of this commonality of subject matter, Applicant submits that examination of claims 19-22 will not add a significant burden if coupled with examination of Group I.